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ARNOLD & PORTER LLP (18528)
555 TWELFTH ST, NW
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of :
Young, et al. :
Application No. 08/851,965 : DECISION ON APPLICATION
Filed: May 6, 1997 (CPA filed : FOR PATENT TERM ADJUSTMENT
March 12, 2001) :
Atty. Dkt. No: 030639.0053.CPA1 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT
37 C.F.R. § 1.705(b)" filed August 4, 2005.

The application for patent term adjustment ("PTA") under 37 CFR
1.705(b) is hereby **DISMISSED**.

Applicants request that the Determination of Patent Term Adjustment
be corrected from zero days, as indicated on the Determination of
Patent Term Adjustment mailed September 15, 2005, to an adjustment
of 259 days.

A review of the application history reveals that in accordance with
37 CFR 1.702(a)(2), an adjustment of 376 days can be attributed to
the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment
began March 1, 2003, the day after the date that is four months
after the date a response to the final Office action was received,
and ended March 10, 2004, the date of mailing of first Notice of
Allowance. There were no further delays attributable to the Office.

The adjustment of 376 days is properly reduced 67 days in
accordance with 37 CFR 1.704(c)(8) in connection with the
supplemental paper (Information Disclosure Statement) filed May 18,
2001. The reduction began March 13, 2001, the day after the date
that a response to the non-final Office action was filed, and ended
May 18, 2001, the date the IDS was filed.

The adjustment of 376 days is further reduced 6 days in accordance
with 37 CFR 1.704(b) in connection with the response to the non-
final Office action submitted September 25, 2001. The reduction
began September 20, 2001, the day after the date that is three
months after the date that the non-final Office action was mailed,
and ended September 25, 2001, the date a response to the non-final
Office action was filed.

The adjustment of 376 days is further properly reduced 354 days in accordance with 37 CFR 1.704(c)(3) for applicants' failure to engage in reasonable efforts to conclude prosecution. The reduction began March 13, 2001, the date of abandonment of the application for failure to timely response to the final Office action mailed December 12, 2001, and ended March 1, 2003, the date that is four months after the date that a grantable decision pursuant to 37 CFR 1.137(b) was filed.

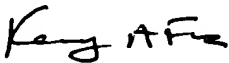
The adjustment of 376 days is further properly reduced 311 days in accordance with 37 CFR 1.704(c)(8) in connection with the petition to withdrawn from issue and request for continued examination (RCE) filed April 14, 2005. The reduction began June 8, 2004, the day after the date of receipt of the initial reply (issue fee payment) and ended April 14, 2005, the date of submission of the petition and RCE.

Accordingly, at the time of allowance, the application is entitled to an adjustment of zero days, as indicated in the Notice of Allowance mailed May 4, 2005.

The Office acknowledges receipt of the required \$200.00 application fee.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy